



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,607	12/27/2000	William Williams	CSCO-96941	1311

7590 08/18/2006

WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

EXAMINER

NGUYEN, CINDY

ART UNIT PAPER NUMBER

2161

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,607

Applicant(s)

WILLIAMS, WILLIAM

Examiner

Cindy Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14,16-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-14, 16-20, 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 10 February 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is in response to communication filed 03/29/06.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 7, 12-14, 16, 20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Hart (US 6408310).

Regarding claims 1, 12, 14 and 20, Hart discloses: a system and method and a computer-readable medium and an apparatus of archiving a database, comprising:

storing a plurality of archive logs¹ comprising a plurality of transactions on an operational database (source database 10 and col. 11, lines 55-60, Hart);

¹ Examiner interpreted the audit files containing contiguously ordered audit blocks as archive logs.

Art Unit: 2161

transmitting a plurality of asynchronous streams to a backup database (concurrent transfer of sectioned audit files from the primary host to the secondary host), Wherein a first asynchronous stream of said plurality of asynchronous streams is transmitted asynchronous with respect to a second asynchronous stream of said plurality of asynchronous streams, wherein each asynchronous stream of the plurality of asynchronous streams corresponds to a particular archive log of the plurality of archive logs (col. 21, lines 27-35, Hart), and wherein the plurality of asynchronous streams are transmitted simultaneously (fig. 9, and col. 21, lines 2-58, Hart);

updating the backup database with the plurality of transactions (col. 13, lines 8-27 and col. 17, lines 1-10, Hart);

In addition, Hart discloses: a memory for storing instructions on how data is to be transferred from the operational database to the backup database (col. 13, lines 8-27 and col. 17, lines 1-10, Hart).

Regarding claim 4, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Hart discloses: further comprising the step of transmitting a predetermined number of streams in parallel, wherein the number is set by a user in a config file (col. 10, lines 20-31, Hart).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Hart discloses: further comprising the step of running streaming rsynchs for copying data from the operational database to the backup database (col. 17, lines 45 to col. 18, lines 3, Hart).

Regarding claim 7, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Hart discloses: further comprising the step of constructing an array of the

plurality of archive logs which are to be transferred from the operational database to the backup database (12, lines 19-36, Hart).

Regarding claims 3, 13, 16 and 22, all the limitations of these claims have been noted in the rejection of claims 1, 12, 14 and 21, respectively. In addition, Hart didn't disclose: further comprising the steps of: comparing a plurality of files corresponding to the backup database to a plurality of files of the operational database to determine whether there are any corrupt or missing files (col. 20, lines 3-43, Hart).

In addition, Hart/Britton /Beardsley discloses: automatically transferring files from the operational database to the backup database which have been corrupted or deleted (col. 15, lines 55-57, Hart).

Claims 8-10, 11, 17-19, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohran (U.S. 6085298) in view of Hart (US 6408310).

Regarding claims 8, 17 and 23, Ohran discloses: A method and an apparatus of performing automatic recoveries on an archived database, comprising the steps of:

comparing files residing on An operational database to files residing on a backup database (col. 29, lines 26-40, Ohran);

determining whether there are any missing files by checking for files which exist on the operational database and which do not exist on the backup database (col. 30, lines 15-38, Ohran);

recopying files from the operational database over to the backup database which are missing (col. 30, lines 30-35, Ohran).

determining whether there are any corrupted files by checking for files which have a different size on the operational database as compared to corresponding file residing on the backup device (col. 30, lines 30-35, Ohran);

recopying files from the operational database to the backup database which have become corrupted (col. 30, lines 30-35, Ohran);

However, Ohran didn't disclose: wherein the automatic recovery process is run by a program automatically in the background without requiring initiation and is run independent of a complete system backup. On the other hand, Hart discloses: wherein the automatic recovery process is run by a program automatically in the background without requiring initiation and is run independent of a complete system backup (col. 15, lines 55-58, Hart). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include automatic recovery process is run by a program automatically in the background without requiring initiation in the system of Ohran as taught by Hart. The motivation being to enable the system provide a Catchup program to catch up terminates abnormally or unsuccessfully and then restarts automatically without user intervention.

Regarding claims 9, 18 and 24, all the limitations of these claims have been noted in the rejection of claims 8, 17 and 23, respectively. In addition, Ohran/Hart discloses: further comprising the step of transferring a plurality of files simultaneously from the host device to the backup device (fig. 9 and col. 21, lines 12-58, Hart).

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 8. in addition, Ohran/ Hart discloses: wherein the comparing step comprises the step of performing a rolling checksum (col. 15, lines 11-58, Hart).

Regarding claims 10 and 19, all the limitations of these claims have been noted in the rejection of claims 9 and 17, respectively. In addition, Ohran/Britton discloses: wherein the plurality of files are streamed according to an rsync command (col. 17, lines 45 to col. 18, lines 3, Hart).

1. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hart et al. (US 6505216) (Hart) in view of Hart (US 6408310) and further in view of Nielsen (5812398).

Regarding claim 5, all the limitations of this claim have been noted in the rejection of claim 1. However, Hart didn't disclose: wherein the transmitting step runs in cron. On the other hand, Nielsen discloses: wherein the transmitting step runs in cron (col. 7, line 14 to col. 8, lines 11, Nielsen). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the transmitting step runs in cron in the combination system of Hart/Britton as taught by Nielsen. The motivation being to enable the user to maintain the system which indicates that the backup routine should be run at specified intervals.

2. Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gaffin Jeffrey can be reached on 571-272-4190. The fax phone numbers for the organization where this

Application/Control Number: 09/752,607

Page 7

Art Unit: 2161

application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Cindy Nguyen
August 15, 2006



FRANTZ COBY
PRIMARY EXAMINER